UPDATED INFORMATIVE DIGEST
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA STATE LANDS COMMISSION

REGARDING THE 2001 BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2

MARINE OIL TERMINALS, CHAPTER 31F

Summary of Existing Laws

Public Resources Code (PRC) Section 8755 authorizes the State Lands commission to adopt rules, regulations, guidelines and commission leasing policies for reviewing the location, type, character, performance standards, size and operation of all existing and proposed marine terminals within the state, whether or not on lands leased from the commission, to minimize the possibilities of a discharge of oil. Additionally, PRC §8755 requires that the rules, regulations, guidelines and commission lease covenants provide the best achievable protection of public health and safety and the environment.

Summary of Existing Regulations

There are no existing federal or state regulations governing the structural, mechanical, electrical and fire protection systems at marine oil terminals. Also, there are no known standards relating to the engineering analysis, design, rehabilitation, inspection, or maintenance of marine oil terminals.

Summary of Effect

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

Other non-discretionary costs or savings imposed on local agencies: Ports or cities may incur sizable costs as a result of the inspections and the potential need for structural or other types of upgrading of marine oil terminals within their purview.

Cost or savings in federal funding to the state: None

With the proposed new standards in place, marine oil terminals of California are expected to remain in service, or be repairable within a short period of time, following a major earthquake. In addition, all vessels, including the larger vessels using these terminals, will now have a greater degree of safety when operating within the permissible environmental operating limits (maximum wind, current and impact). Having marine oil terminals meet the proposed code will help ensure protection of the public health, safety and the environment from oil spills resulting from earthquakes or excessive loads from vessels.

Comparable Federal Statute or Regulations

Currently, there are no federal statutes, regulations or standards that govern engineering analysis, design, rehabilitation, inspection, or maintenance of marine oil terminals.

Small Business Affect

None of the businesses affected by these proposed standards can be considered a "small business" as defined in Government Code Section 11342.610.

Plain English Policy Statement:

The text of these standards has been drafted in plain English as defined in Government Code Section 11342.580. The text of the standards uses certain terms that are pertinent to the structure and appurtenances at marine oil terms. Those persons in the marine terminal industry who are affected by the standards, commonly understand these terms.

UPDATE OF INITIAL STATEMENT OF REASONS

There were no written comments received during the public comment period that ended on July 13, 2004. One person provided 17 oral comments at the public hearing that was held on July 13, 2004. The comments are addressed in the Final Statement of Reasons.

No changes have been made to the regulations as a result of the public comments received. Therefore, there is no need to revise the original informative digest.

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Regulatory Action.

Note: Table 31F-3-5 was inadvertently duplicated in the text of the regulations originally noticed to the public. The duplicate table has been removed and replaced by Table 31F-3-6, which is the correct table. Table 31F-3-6 appeared in prior versions of the document. No comments were received regarding this inadvertent error. A copy of the correct Division 3 is attached with Part J of this file.